

REMARKS

Claims 11 to 21 are pending and being considered in the present application. Based on the foregoing amendments and the following remarks, it is respectfully submitted that all of the presently pending claims are allowable, and reconsideration is respectfully requested.

Applicants note with appreciation the acknowledgment of the claim for foreign priority and the indication that all certified copies of the priority documents have been received.

Applicants thank the Examiner for considering the previously filed Information Disclosure Statement and cited references.

Claims 14 and 19 are objected to as being unclear. Though Applicants do not necessarily agree with the objection, claims 14 and 19 have been amended herein, without prejudice, thereby obviating the present objection. Withdrawal of the present objection is therefore respectfully requested.

Claims 15 to 20 are rejected under 35 U.S.C. § 101 as assertedly directed to non-statutory subject matter. Claim 15 has been amended herein without prejudice, thereby rendering moot the present rejection. Withdrawal of the present rejection is therefore respectfully requested.

Claims 11 to 21 are rejected under 35 U.S.C. § 102(e) as anticipated by U.S. Patent No. 7,016,783 ("Hac et al.").

To anticipate a claim, each and every element as set forth in the claim must be found in a single prior art reference. *Verdegaal Bros. v. Union Oil Co. of Calif.*, 814 F.2d 628, 631, 2 U.S.P.Q.2d 1051, 1053 (Fed. Cir. 1987). Furthermore, "[t]he identical invention must be shown in as complete detail as is contained in the . . . claim." *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 U.S.P.Q.2d 1913, 1920 (Fed. Cir. 1989). That is, the prior art must describe the elements arranged as required by the claims. *In re Bond*, 910 F.2d 831, 15 U.S.P.Q.2d 1566 (Fed. Cir. 1990).

Claim 11 is directed to a safety system corresponding to an accident avoidance system and for a motor vehicle that includes at least one steering system and at least one brake system, comprising at least one detection unit for detecting internal and external conditions including vehicle parameters and a vehicle environment, and at least one evaluation unit. The at least one evaluation unit compiles conditions detected by the at least one detection unit in the

form of data and information, evaluates the detected conditions with respect to a hazard potential, and determines, from the data and information, whether an optimal avoidance trajectory or an automatic emergency braking action is warranted. Claim 11 has been amended herein to clarify that, when or after an operator of the motor vehicle initiates a driving maneuver corresponding to one of an avoidance maneuver and an emergency braking maneuver, then, in an instance where the result of the determination is that the optimal avoidance trajectory is warranted, the at least one evaluation unit outputs to the vehicle operator the optimal avoidance trajectory.

The Office Action refers to column 4, lines 35 to 52 of Hac et al. as disclosing when or after an operator of the motor vehicle initiates a driving maneuver corresponding to one of an avoidance maneuver and an emergency braking maneuver, the at least one evaluation unit specifies the driving maneuver in an optimized form corresponding to one of an optimal avoidance trajectory and the at least one automatic emergency braking action. The cited portion of Hac et al. describes the control algorithm of a collision avoidance system, which determines whether braking or a combination of braking and steering must be employed to avoid a collision, and which steering and braking inputs are necessary to safely avoid a collision. Specifically, the Office Action asserts that “selecting a best available way to maneuver” of Hac et al. discloses the “specifies the driving maneuver in an optimized form” of claim 11.

However, claim 11 the determination or selection of a required driving maneuver in Hac et al. does not disclose outputting that driving maneuver to a vehicle operator. Hac et al. do not describe any outputting of a driving maneuver to the driver. Instead, Hac et al. are directed to an automated steering and braking system that does not need to inform the driver of the required driving maneuver, because it is done automatically. The system of Hac et al. is comparable to the prior art system described in the “Background Information” section of the Specification, at page 1, line 25 to page 2, line 4.

Moreover, nowhere do Hac et al. disclose outputting of the driving maneuver when or after an operator of the motor vehicle initiates a driving maneuver corresponding to one of an avoidance maneuver and an emergency braking maneuver. As noted above, Hac et al. are directed to an automated system that takes the responsibility of driving out of the hands of the driver.

In contrast, the safety system of the present invention assists the driver when the driver takes action. As described in the Specification, for example, at page 2, lines 6 to 11, the object of the present invention is to refine a safety system and method “in such a way that an avoidance maneuver initiated by the operator of the means of transportation when approaching

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an obstacle is supported with respect to both the device and the method, thus preventing an accident through collision or skidding.”

Accordingly, Hac et al. do not disclose, or even suggest, each and every element as set forth in claim 11, and therefore do not anticipate claim 11, or its dependent claims 12 to 14 and 21. Claim 15 is directed to subject matter analogous to that discussed above in support of the patentability of claim 11, and Hac et al. therefore do not anticipate claim 15, or its dependent claims 16 to 20, for at least the same reasons as claim 11.

Withdrawal of the present rejection is therefore respectfully requested.

In view of all of the foregoing, it is respectfully submitted that all of the pending claims of the present application are in condition for allowance. Prompt reconsideration and allowance of the present application are therefore earnestly solicited.

Respectfully submitted,
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